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STAAS & HALSEY LLP

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EXAMINER

MONTOYA, OSCITA I

ART UNIT

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PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/026,461

Applicant(s)

SUGA, TAKAAKI

Examiner

OSCHTA MONTOYA

Art Unit

2623

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-24 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-24 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. ____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO/SF 298)
Paper No(s)/Mail Date ____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date ____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: ____

DETAILED ACTION

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 1-3, 7-9, and 16-18 are rejected under 35 U.S.C. 102(b) as being anticipated by Goldberg, US 6,526,158.

Regarding claim 1, Goldberg discloses an image delivery system for delivering an object moving-visual-image file (hereinafter called the object file) to a terminal communicably connected to said system through a communications network, said system comprising:

(a) image storage means for storing a master moving-visual-image file (hereinafter called the master file), containing individual moving visual images of a plurality of users and previously obtained by videoing the plural users substantially continuously (Col. 20, lines 6-27);

(b) link information management means for storing link information linking a plurality of parts of said master file, which is stored in said image storage means, with the respective users (Col. 18, lines 10-25); and

(c) image delivery control means, responsive to the receipt of an object-file delivery request of one individual user from said terminal, for reading out a corresponding one of

the plural parts of said master file, in which part said one individual user appears, from said storage means, and delivering the read-out part of said master file to said terminal through the communications network as the object file (Col. 19, lines 20-50).

Regarding claim 2, Goldberg discloses the image delivery system according to claim 1, further comprising (d) image editing control means, responsive to the receipt of an object-file editing and delivery request of one individual user from said terminal, for reading out a corresponding one of the plural parts of said master file, in which part said one individual user appears, based on said link information, from said storage means, editing the read-out part of said master file, and delivering the resulting part of said master file to said terminal as the edited object file (Col. 19, lines 20-50).

Regarding claim 3, Goldberg discloses the image delivery system according to claim 2, further comprising (e) erasing control means for erasing the corresponding one of the plural parts of said master file stored in said image storage means, in which part said one individual user appears, after the edited object file has been delivered to said terminal (Col. 19, lines 45-50).

Regarding claim 7, Goldberg discloses an image delivery method for delivering an object moving-visual-image file (hereinafter called the object file) from a delivery source to a terminal communicably connected to the delivery source through a communications network, said method comprising the steps of:

(a) storing both a master moving-visual-image file (hereinafter called the master file), which contains individual moving visual images of a plurality of users and was previously obtained by videoing the plural users substantially continuously (Col. 20, lines 6-27), and link information linking a plurality of parts of said master file with the respective users, into a storage device, which is a component of the delivery source or an external element communicably connected with the delivery source (Col. 18, lines 10-25); and at the delivery source

(b) upon receipt of an object-file delivery request of one individual user from said terminal, reading out a corresponding one of the plural parts of said master file, in which part said one individual user appears, from the storage device, and delivering the read-out part of said master file to said terminal through the communications network as the object file (Col. 19, lines 20-50).

Regarding claim 8, Goldberg discloses the image delivery method according to claim 7, further comprising the steps of: at the delivery source

(c) upon receipt of an object-file editing request of one individual user from said terminal, reading out a corresponding one of the plural parts of said master file, in which part said one individual user appears, from the storage device based on said link information, and editing the read-out part of said master file (Col. 19, lines 20-50); and

(d) delivering the resulting part of said master file to said terminal as the edited object file (Col. 19, lines 20-50).

Regarding claim 9, Goldberg discloses the image delivery method according to claim 8, further comprising the step of: at the delivery source

(e) erasing the corresponding one of the plural parts of said master file stored in said image storage means, in which part said one individual user appears, after the edited object file has been delivered to said terminal in said delivering step (d) (Col. 19, lines 45-50).

Regarding claim 16, Goldberg discloses a recording medium in which an image delivery program for delivering an object moving-visual-image file (hereinafter called the object file) from a delivery source to a terminal communicably connected to the delivery source through a communications network is recorded, wherein said program instructs a computer at the delivery source to execute the steps of:

(a) storing both (i) a master moving-visual-image file (hereinafter called the master file), which contains moving visual images of a plurality of users and was previously obtained by videoing the plural users substantially continuously, into a storage device, which is a component of the delivery source or an external element communicably connected with the delivery source, said master file being composed of a plurality of parts in which the respective users appear (Col. 20, lines 6-27), and (ii) link information linking the plural parts with the respective users (Col. 18, lines 10-25); and (b) upon receipt of an object-file delivery request of a user from said terminal, (b1) reading out a corresponding one of the plural parts of said master file, in which part the last-named user appears, from the storage device based on said link information stored in the storage device, and (b2)

delivering the read-out corresponding one part of said master file to said terminal as the requested object file (Col. 19, lines 20-50).

Regarding claim 17, Goldberg discloses the recording medium according to claim 16, wherein said program instructs the computer at the delivery source to execute the following added steps of:

(c) upon receipt of an object-file editing request of one individual user from said terminal, (c1) reading out a corresponding one of the plural parts of said master file, in which part said one individual user appears, from the storage device based on said link information, and (c2) editing the read-out part of said master file (Col. 19, lines 20-50); and (d) delivering the resulting part of said master file to said terminal as the edited object file (Col. 19, lines 20-50).

Regarding claim 18, Goldberg discloses the recording medium according to claim 17, wherein said program instructs the computer at the delivery source to further execute the step of (e) erasing the corresponding one of the plural parts of said master file stored in said image storage means, in which part said one individual user appears, after the edited object file has been delivered to said terminal (Col. 19, lines 45-50).

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 4-6, 10-12, and 19-21 are rejected under 35 U.S.C. 103(a) as being unpatentable over Goldberg in view of Belknap et al., US 6,763,377.

Regarding claim 4, Goldberg discloses the image delivery system according to claim 1.

Goldberg fails to disclose image delivery control means controls an image delivering rate in terms of the number of image frames per second in accordance with a condition of connection of said terminal with the communications network.

In an analogous art, Belknap teaches image delivery control means controls an image delivering rate in terms of the number of image frames per second in accordance with a condition of connection of said terminal with the communications network (Col. 27, lines 5-30).

Therefore, it would have been obvious to one of ordinary skill in the art to modify Goldberg's system to include control the image rate in accordance to a condition of connection, as taught by Belknap. The motivation would have been to give the users the best video quality available for their connection.

Claims 5-6, 10-12, and 19-21 are rejected on the same grounds as claim 4.

5. Claims 13-15 and 22-24 are rejected under 35 U.S.C. 103(a) as being unpatentable over Goldberg in view of Goode et al., US 6,684,400.

Regarding claim 13, Goldberg discloses an image delivery method for delivering an object moving-visual-image file (hereinafter called the object file) from a server to a client communicably connected to the server through a communications network, said method comprising the steps: at the server

(b) rendering the client to display, on the display screen of the client, one or more master moving-visual-image files (each hereinafter called the master file) linked with the last-named user identified by the input user identification information, each master file containing individual moving visual images of a plurality of users including said last-named user and being previously obtained by videoing the plural users substantially continuously and stored in a storage device, which is a component of the server or an external element communicably connected with the server (Col. 18, lines 10-25, Col. 19, lines 20-50); and

(c) upon receipt of an object-file delivery request, of said last-named user from the client, (c1) reading out a corresponding one of the plural parts of said particular one master file, in which part said last-named user appears, from the storage device based on time codes representing a location or a set of locations of said corresponding part of said particular one master file and stored in the storage device, and (c2) rendering the client to display the read-out part of said particular one master file on the display screen of the client as the object file (Col. 9, lines 5-15, Col. 19, lines 20-50).

Although Goldberg teaches human input (Col. 4, lines 24-44), Goldberg fails to specifically teach (a) rendering the client to display, on a display screen of the client, a

message asking a user to input user identification information and having the titles of the videos shown on the screen.

In an analogous art, Goode teaches rendering a message asking the user to input identification information and listing the titles of the videos on the screen (figure 6 and 9, Col. 9, lines 27-37, Col. 10, lines 35-57).

Therefore, it would have been obvious to one of ordinary skill in the art to modify Goldberg's method to include asking the user to input identification information and showing the user the titles of the videos. The motivation would have been to have a secure method, where only the user with a personal code can retrieve the videos and also having a user friendly method that shows the titles for easy identification of the videos.

Claim 22 is rejected on the same grounds as claim 13.

Regarding claim 14, Goldberg discloses an image delivery method for delivering an object moving-visual-image file (hereinafter called the object file) from a server to a client communicably connected to the server through a communications network, said method comprising the steps of: at the server
(b) rendering the client to display, on the display screen of the client, one or more master moving-visual-image files (each herein after called the master file) linked with the last-named user identified by the input user identification information, each master file containing individual moving visual images of a plurality of users including said last-

named user and being previously obtained by videoing the plural users substantially continuously, each said master file being composed of a plurality of parts in which the plural users respectively appear and being stored in a storage device, which is a component of the server or an external element communicably connected with the server, and (ii) a plurality of predetermined editing ways for designation and selection by said last-named user (Col. 18, lines 10-25, Col. 19, lines 20-50, Col. 20, lines 6-27); (c) upon receipt of an object-file editing and delivery request, which designates one of the plural master files and selects a desired one of the plural predetermined editing ways, of said last-named user from the client, (c1) reading out a corresponding one of the plural parts of said particular one master file, in which part said last-named user appears, from the storage device based on time codes representing a location or a set of locations of said corresponding part of said particular one master file, (c2) editing the read-out corresponding part of said particular one master file in the selected editing way, and (c3) rendering the client to display the resulting part of said particular one master file on the display screen of the client as the edited object file (Col. 9, lines 5-15, Col. 19, lines 20-50).

Although Goldberg teaches human input (Col. 4, lines 24-44), Goldberg fails to specifically teach (a) rendering the client to display, on a display screen of the client, a message asking a user to input user identification information and having the titles of the videos shown on the screen.

In an analogous art, Goode teaches rendering a message asking the user to input identification information and listing the titles of the videos on the screen (figure 6 and 9, Col. 9, lines 27-37, Col. 10, lines 35-57).

Therefore, it would have been obvious to one of ordinary skill in the art to modify Goldberg's method to include asking the user to input identification information and showing the user the titles of the videos. The motivation would have been to have a secure method, where only the user with a personal code can retrieve the videos and also having a user friendly method that shows the titles for easy identification of the videos.

Claim 23 is rejected on the same grounds as claim 14.

Regarding claim 15, Goldberg and Goode disclose the image delivery method according to claim 14, further comprising the steps of: at the server
(d) rendering the client to display, on the display screen of the client, a message asking the user if the resulting moving visual image of the edited object file is approved by the user; and (e) upon receipt of the approval of the edited object file from the client, downloading the edited object file to the client (Col. 19, lines 20-50).

Claim 24 is rejected on the same grounds as claim 15.

Contact

Any inquiry concerning this communication or earlier communications from the examiner should be directed to OSCHTA MONTROYA whose telephone number is (571)270-1192. The examiner can normally be reached on Monday/Friday 7:30 to 5:00 off every other Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Christopher Grant can be reached on (571) 272-7294. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

OM

/Christopher Grant/

Supervisory Patent Examiner, Art Unit 2623